

Attorney Docket No. 122467.601

PATENT

REMARKS

This Amendment and Response is filed in response to the Office Action dated July 9, 2003. Initially, Applicants' attorney wishes to thank Examiner Harris for the careful consideration given this application. Further, Applicants' attorney notes that reference has been made to Ziv-El (US 5,438,555) in the instant office action. It is believed that reference is intended to be made to Ziv-El (US 5,437,555) and this response is premised on this belief. In the event the Examiner intended a different reference, Applicants respectfully request the opportunity to address that reference fully.

Claim 26

Claim 26 has been rejected under 35 U.S.C. §102 as being anticipated by Pellegrino et al. (US 6,149,441). In order to expedite allowance of the patentable subject matter of this application, claim 26 has been withdrawn. Applicants reserve the right to pursue the subject matter of claim 26 at a later time.

Claims 1-7, 9-12, 15-16, 18-19, and 21-25

Claims 1-7, 9-12, 15,16, 18,19, 21-25 have been rejected under 35 U.S.C. §103 as being unpatentable over Ziv-El (US 5,437,555) in view of Pellegrino (US 6,149,441). With respect to claims 1 and 18, the stated basis for the obviousness rejection is that Ziv-El teaches a plurality of student computers, at least one teacher computer, and a response server in communication with the student computers. The Examiner further states that Ziv-El teaches at least one data storage server for storage of lessons including exercises having questions and multi-character answers. Purportedly, Ziv-El further teaches a set of program instructions on the student computers for immediately transmitting each character resulting from an input on the student computer to the response server and the teacher computer being contemporaneously responsive to each keystroke on the student computer. The Examiner recognizes that Ziv-El does not teach the lessons including exercises having Uniform Resource Locators (URLs); although, support for exercises having URLs is purported found in Pellegrino.

Claim 1 has been amended to better state the scope of the claimed invention. In particular, claim 1 has been amended to require that the URL from each link

Attorney Docket No. 122467.601

PATENT

selected on the student computer is transmitted from the student computer to the response server. Furthermore, claim 1 has been amended to require that the teacher's computer is responsive to a sequence of web links selected on the student computer. Ziv-El in view of Pellegrino does not teach a URL being transmitted from the student computer to the response server or that the teacher's computer is responsive to a sequence of web links.

Furthermore, claims 2-7, 9-12, and 15-16 all depend from claim 1. As amended claim 1 is now directed to allowable subject matter, it is submitted that these dependent claims should also be allowed.

Claim 18 has also been amended to better state the scope of the claimed invention. In particular, claim 18 has been amended to require that the URL for each web site visited by the plurality of students be displayed on a computing device operable to be used by a teacher. Ziv-El in view of Pellegrino does not teach a URL for each web site visited by a student being displayed on a computing device operable to be used by a teacher.

Furthermore, claims 19, and 21-22 depend from claim 18. As amended claim 18 is now directed to allowable subject matter, it is submitted that these dependent claims should also be allowed.

With respect to the rejection of claim 23, the Examiner has recognized that Ziv-El/Pellegrino does not expressly disclose wherein the teacher's computer includes program instructions for creation of indicator's on the web page on the teacher's screen which copies to the same positions on the student's screens. Nonetheless, claim 23 has been rejected purportedly because at the time of the invention it was old and well-known in the art to create indicators on images on one screen and copy them to the same position on other screens. Applicants submit that the Examiner has not established a prima facie case of obviousness. In particular, the Examiner has alleged that creating indicators on images on one screen and copying to the same positions on images on other screens is old and well known in the art. It is inappropriate to rely upon this unsupported assertion in determining patentability, although permissible in limited instances to support conclusions as to peripheral issues. *In re Zurko*, 258 F.3d 1379, 1386 (Fed.

Attorney Docket No. 122467.601

PATENT

Cir. 2001). Since without this allegation, the prior art references do not teach or suggest all of the claim limitations, it is impermissible to rely on this unsupported allegation.

In fact, applicants' dispute this assertion, particularly as it relates to creating indicators on web pages, as opposed to other images, and transferring those indicators to a second screen. This requires the use of un-obvious techniques in a markup language supporting world wide web documents (e.g., HTML). Accordingly, applicants' respectfully submit that this technique is not "old and well-known" in the art.

Finally, claims 24-25 depend from claim 23. As claim 23 is directed to allowable subject matter, it is submitted that these dependent claims should also be allowed.

Therefore, it is submitted that the amended claims 1 and 18 are not rendered obvious by Ziv-El in view of Pellegrino. Ziv-El in view of Pellegrino does not teach or suggest all of the claim limitations of the amended claims 1 and 18. In addition, claims 2-7, 9-12, and 15-16 all depend from claim 1 and thus should be allowable as well. Similarly, claims 19, and 21-22 depend from claim 18 and thus should be allowable as well. Finally, the rejection of claim 23 should be withdrawn as inappropriate reference was relied upon. Accordingly, it is submitted that claims 1-7, 9-12, 15-16, 18-19 and 21-25 are all in a condition for allowance and it is requested that the rejection be withdrawn.

Claims 8 and 17

Claims 8 and 17 has been rejected under 35 U.S.C. §103 as being unpatentable over Ziv-El (US 5,437,555) in view of Pellegrino et al. (US 6,149,441) and Sonnenfeld (US 6,112,049). In order to expedite allowance of the patentable subject matter of this application, claims 8 and 17 have been withdrawn. Applicants reserve the right to pursue the subject matter of claims 8 and 17 at a later time.

Claims 13, 27-35 and 37

Claims 13, 27-35 and 37 have been rejected under 35 U.S.C. §103 as being unpatentable over Ziv-El (US 5,437,555) in view of Pellegrino (US 6,149,441) and further in

Attorney Docket No. 122467.601

PATENT

view of Shende et al. (US 6,341,212). Claim 13 depends from independent claim 1, which has been amended to better reflect patentable subject matter. It is respectfully submitted that, as claim 1 now reflects patentable subject matter, dependent claim 13 should be allowable as well.

With respect to claim 27, the Examiner recognizes that Ziv-El/Pellegrino does not disclose expressly wherein the student computers display a window displaying at least one web page and a question concerning the web page. Further, Ziv-El/Pellegrino does not disclose wherein the student computers display a window displaying at least one web page associated with an external web site and a question concerning the web page. However, the Examiner states that it would have been obvious to incorporate the teachings of Shende et al. at col. 5 lines 7-12. Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness. In particular, the Examiner has not established that the cited references make obvious each of the elements of claim 27, as Shende at col. 5, lines 7-12 does not teach a student computer displaying a web page and a question concerning the web page. Respectfully, Shende at col. 5, lines 7-12 is directed at evaluating an examinee's ability to use a Browser and a search engine to locate specific information on the World Wide Web. Evaluation of the examinee's knowledge of the substantive content of a web site is not disclosed by Shende. In contrast, claim 27 is directed to evaluating an examinee's substantive content of the web site, not the examinee's ability to use a Browser or a search engine. Accordingly, it is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 27 and the rejection should be withdrawn. Further, the amendments made by applicants' claim 27 are made solely to correct typographical errors, not for reasons of patentability.

Furthermore, claims 28-35, and 37 depend from independent claim 27, which it is submitted is patentable for the reasons discussed above. Accordingly, as they depend from an allowable claims, claims 28-35, and 37 should be allowed as well and the rejection should be withdrawn.

Claims 14 and 20

Claims 14 and 20 have been rejected under 35 U.S.C. §103 as being unpatentable over Ziv-El (US 5,437,555) in view of Pellegrino (US 6,149,441) and further in view of Anderson et al. (US 6,513,042). Claims 14 and 20 depend from independent claim 1, which has

Attorney Docket No. 122467.601

PATENT

been amended to better reflect patentable subject matter. As independent claim 1, as amended, is directed to patentable subject matter, it is submitted that dependent claims 14 and 20 are allowable as well. Accordingly, it is respectfully requested that the rejection be withdrawn.

Attorney Docket No. 122467.601

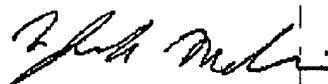
PATENT

CONCLUSION

In light of the foregoing, it is respectfully submitted that the claims 1-7, 9-16, 18-25, 27-35 and 37 are in condition for allowance and notice of such is requested. As a result, it is respectfully submitted that each of the rejections should be withdrawn.

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment, to deposit account no. 50-0436.

Respectfully submitted,
PEPPER HAMILTON LLP



W. Joseph Melnik
Registration No. 48,741

Date: November 10, 2003
Pepper Hamilton LLP
One Mellon Center
500 Grant Street, 50th Floor
Pittsburgh, PA 15219
Tel.: (412) 454-5000
Facsimile: (412) 281-0717